

REMARKS

Amendments to the claims

Claim 1 has been rewritten in the active form and has been amended to recite "using data about the current strength of the stored markers of multiple locations, ~~either in aggregation or individually~~, is used to provide an information item relevant to use of the space". This amendment is supported by the application as filed, for example Figs. 1 and 2 and the corresponding portion of the specification.

Claim 2 has been rewritten in the active form and its language has been clarified.

The language of claims 6-11 and 16-25 has been amended consistently with the amendments of the language of claim 1.

Claim 26 has been amended to recite "a third arrangement having a data-processing system arranged to use data about the current strength of the stored markers of multiple locations, ~~either in aggregation or individually~~, to provide an information item relevant to use of the space". This amendment is supported by the application as filed, for example Figs. 1 and 2 and the corresponding portion of the specification.

The language of claims 27, 33, 34 and 39 has been clarified, and the language of claims 32, 35, and 40-49 has been amended consistently with the amendments of the language of claim 26.

All amendments are made without prejudice, and Applicants expressly reserve the right to reintroduce any cancelled feature in the present application or in any derivative thereof.

No new matter has been added.

Double Patenting

Claims 1, 4-5, 12-15, 17-26, 28-29, 37-39 and 41-49 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 5-20 and 22-23 of the copending application No 10/635939 (mistyped 10/635940). Applicants respectfully disagree and note that the Examiner acknowledges that the conflicting claims are not identical. Applicants further note that the amendments to the claims submitted in the present response differentiate the claims even further.

Rejection under 35 U.S.C. 102

Claims 1-16, 23-40 and 47-49 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,539,393 to Kabala. Applicants respectfully disagree.

Claim 1

The Examiner asserts that Kabala discloses a method wherein "the strength values associated with the stored markers, either taken in location-dependent aggregations or individually, are caused to decay with time" column 4, lines 63-67. Applicants respectfully disagree and note that column 4, lines 63-67 of Kabala recites: "Then, the central processor retrieves the information entered by operators when the attendees registered for the show to archive a list having identity of the attendees, the places of booths visited, the times of the visits, and the durations of the visits". Applicants submit that the above excerpt in particular, and Kabala in general, does not disclose or suggest causing any value to "decay with time".

Applicants further note that Kabala relates to transmitting ID codes from portable wireless transmitters or badges to portable wireless transceivers that collect the identification codes (abstract). Applicants note that the strength of the ID code is forwarded by the transceivers to help discriminate the location of the badge, if multiple transceivers report receiving a same ID code (column 5, lines 53-57), but note that there is no disclosure or suggestion whatsoever in Kabala that the strength of the ID code can be caused to "decay with time". Applicants further submit that having the strength of the ID code in Kabala decay with time would actually prevent using the strength of the ID code for further processing a given time after it has been received, which is clearly against the

teachings of Kabala since Kabala provides for archiving the ID codes reception reports for "further analysis at other times" (column 7, lines 65-67). Applicants therefore submit that Kabala even teaches away from a marker having a strength that decays with time.

Accordingly, Applicants submit that Kabala cannot be deemed to disclose or suggest a method comprising "*causing the strength values associated with the stored markers, either taken in location-dependent aggregations or individually, to decay with time*", as recited in amended claim 1, and submit that at least in view of the above, claim 1 is patentable over Kabala. Should the Examiner disagree, Applicants respectfully request him to clearly and specifically point out where Kabala discloses the above feature, in accordance with 37 C.F.R. 1.104(c)2.

Claim 26

Applicants submit that the above arguments can be used to show that Kabala does not disclose or suggest an apparatus as recited in claim 26, and in particular comprising "*a second arrangement arranged to decay with time the strength values associated with the stored markers*".

Accordingly, Applicants respectfully submit that claim 26 is patentable over Kabala.

Claims 2-16, 23-25, 27-40 and 47-49

Claims 2-16 and 23-25 depend directly or indirectly on claim 1, and claims 27-40 and 47-49 depend directly or indirectly on claim 26. Applicants submit that at least in view of their dependency on claims 1 or 26, claims 2-16, 23-25, 27-40 and 47-49 are patentable over Kabala.

Rejection under 35 U.S.C. 103

Claims 17 and 41 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kabala in view of published U.S. Patent Application No. 20020165731 to Dempsey; and claims 18-22 and 42-46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over

Kabala in view of published U.S. Patent Application No. 20020174021 to Chu. Applicants respectfully disagree.

Claim 17

Claim 17 depends on claim 1. Applicants submit that the Examiner has failed to show that Dempsey discloses or suggests a method comprising *"causing the strength values associated with the stored markers, either taken in location-dependent aggregations or individually, to decay with time"*, as recited in claim 1 as amended. Accordingly, Applicants submit that the Examiner has failed to show that any combination of Kabala and Dempsey would have led one of ordinary skill in the art to a method as recited in claim 1, and in particular comprising any of the above-recited features. Applicants therefore respectfully submit that claim 1 is patentable over Kabala in view of Dempsey, and submit that at least in view of its dependency on claim 1, claim 17 is patentable over Kabala in view of Dempsey.

Claim 41

Claim 41 depends on claim 26. Applicants submit that the Examiner has failed to show that Dempsey discloses or suggests an apparatus comprising *"a second arrangement arranged to decay with time the strength values associated with the stored markers"*, as recited in claim 26. Accordingly, Applicants submit that the Examiner has failed to show that any combination of Kabala and Dempsey would have led one of ordinary skill in the art to an apparatus as recited in claim 26, and in particular comprising any one of the above-recited features. Applicants therefore respectfully submit that claim 26 is patentable over Kabala in view of Dempsey, and submit that at least in view of its dependency on claim 26, claim 41 is patentable over Kabala in view of Dempsey.

Claims 18-22

Claims 18-22 depend on claim 1. Applicants submit that the Examiner has failed to show that Chu discloses or suggests a method comprising *"causing the strength values associated with the stored markers, either taken in location-dependent aggregations or individually, to decay with time"*, as recited in claim 1 as amended. Accordingly, Applicants submit that the Examiner has failed to show that any combination of Kabala and Chu would have led

one of ordinary skill in the art to a method as recited in claim 1, and in particular comprising any of the above-recited features. Applicants therefore respectfully submit that claim 1 is patentable over Kabala in view of Chu, and submit that at least in view of their dependency on claim 1, claims 18-22 are patentable over Kabala in view of Chu.

Claims 42-46

Claims 42-46 depend on claim 26. Applicants submit that the Examiner has failed to show that Chu discloses or suggests an apparatus comprising "*a second arrangement arranged to decay with time the strength values associated with the stored markers*", as recited in claim 26. Accordingly, Applicants submit that the Examiner has failed to show that any combination of Kabala and Chu would have led one of ordinary skill in the art to an apparatus as recited in claim 26, and in particular comprising any one of the above-recited features. Applicants therefore respectfully submit that claim 26 is patentable over Kabala in view of Chu, and submit that at least in view of its dependency on claim 26, claims 42-46 are patentable over Kabala in view of Chu.

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In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

September 29, 2005

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